UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

CATHERINE SILVER
6001 Lucente Avenue
Suitland, MD 20746

Plaintiff,

v.

MICHAEL O. LEAVITT,
SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES
330 Independence Avenue
Washington, DC 20201

Defendant.

Case No.: 1:05cv0968

ORDER

Upon consideration of Plaintiff's for Partial Summary Judgment, Plaintiff's Response, and Plaintiff's Reply, the Court hereby orders:

ORDERED: that Plaintiff's Motion Partial Summary Judgment is Granted; and it is further

ORDERED: The Court finds that age discrimination was a motivating factor regarding rejection of Plaintiff for selection and promotion. Defendant shall proceed with his affirmative defense.

SO ORDERED.

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Judge John D. Bates